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EXAMINER

YODER III, CHRISS S

ART UNIT PAPER NUMBER

2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,071

Applicant(s)

NIIKAWA ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed December 14, 2004 with respect to claims 1-4, 10 and 13 have been fully considered but they are not persuasive.

1. Applicant argues, with respect to claims 1 and 3-4, that Gowda (US Patent # 6,628,333) does not teach the use of "a controller adapted to control said first and second displays together... in response to an inputted command," however, the examiner disagrees, pointing out that Gowda discloses that "The position of the pointing device in Preview 1 (180) determines the lower-left and the upper-right corners of an area whose perimeter is highlighted (or otherwise delineated) and concurrently displayed in Preview 2 (182)" in column 5, lines 29-32, which as interpreted by the examiner discloses that by using user inputted commands of selecting an area in the first display using the pointing device, the second display is controlled, therefore, they are controlled together.
2. Applicant argues, with respect to claim 2, that Anderson (US Patent # 6,538,698) is not configured to control multiple displays. However, the examiner points out that the Gowda reference was relied upon for this limitation, and that the Anderson reference was not relied upon for this teaching, the Anderson reference was only used to teach the simultaneous display of information and the captured image on a single display.
3. Applicant argues, with respect to claims 9 and 12, that the combined references of Gowda, Anderson and Kodak do not disclose a controller to be adapted such that it causes a first display to display a captured image and a second display to display

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addition information about the captured image. The examiner disagrees, Gowda discloses the use of a controller to be adapted such that it causes a first display to display a captured image and a second display. And Anderson discloses the display additional information about the image (figure 3: 708). By using the teachings of the combined references one of ordinary skill in the art would arrive at the claimed invention based on the use of two displays displaying different data as disclosed in Gowda and the use of a display to display additional information about the image as disclosed in Anderson.

4. Applicant argues, with respect to claim 10, that the combined references of Gowda, Anderson and Kodak do not disclose a controller to be adapted such that it causes a first display to display a captured image and a second display to display a histogram regarding exposure of said captured image, however, the examiner disagrees, Gowda discloses the use of a controller to be adapted such that it causes a first display to display a captured image and a second display. And Kodak discloses the display of a histogram. By using the teachings of the combined references one of ordinary skill in the art would arrive at the claimed invention based on the use of two displays displaying different data as disclosed in Gowda and the use of a display to display a histogram as disclosed in Kodak.

5. Applicant argues, with respect to claim 13, that Gowda does not teach the use of "receiving an inputted command; displaying a captured image on said first display in response to said inputted command; and also displaying information different from said captured image on said second display at the same time that said captured image is

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displayed on said first display in response to said inputted command," however, the examiner disagrees, pointing out that Gowda discloses that "The position of the pointing device in Preview 1 (180) determines the lower-left and the upper-right corners of an area whose perimeter is highlighted (or otherwise delineated) and concurrently displayed in Preview 2 (182)" in column 5, lines 29-32, which as interpreted by the examiner discloses that by using user inputted commands of an selecting an image and selecting an area in the first display using the pointing device, the second display is controlled, therefore, they are controlled together.

6. Applicant's arguments, see pages 9-10, filed December 14, 2004, with respect to the rejection(s) of claim(s) 5 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gowda et al. (US Patent # 6,628,333) in view of "Digital Photography Review Kodak Pro DCS620".

7. Applicant's arguments, see pages 10-12, filed December 14, 2004, with respect to the rejection(s) of claim(s) 6-8 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gowda et al. (US Patent # 6,628,333) in view of Torres et al. (US Patent # 6,738,075).

8. Applicant's arguments, see page 18, filed December 14, 2004, with respect to the rejection(s) of claim(s) 11 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gowda et al. (US Patent

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# 6,628,333) in view of Anderson (US Patent # 6,538,698), and in further view of "Digital Photography Review Kodak Pro DCS620".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gowda (US Patent # 6,628,333).

10. In regard to claim 1, note Gowda discloses the use of an image capturing apparatus (figure 2: 100) comprising a first display capable of electrically displaying a captured image (figure 3: 180), a second display capable of electrically displaying a captured image (figure 3: 182), and a controller adapted to control said first and second displays together such that said controller causes said first display to display said captured image and said second display to display information different from said captured image in response to an inputted command (column 5, lines 1-10, and column 5, lines 29-39; the preview unit 116 is considered to be the controller, and the use of the pointing device is considered to be the user inputted command ).

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11. In regard to claim 13, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 13 has been analyzed and rejected as previously discussed with respect claim 1.

12. In regard to claim 14, note Gowda discloses that said controller controls said first and second displays together in response to an inputted command when a display mode setting is set so that both displays are active (column 5, lines 29-39, the user inputted command entered by the pointing device is used to select which portion of the images are to be to be displayed, thereby controlling the displays together).

13. In regard to claim 15, note Gowda discloses the use of determining whether a display mode setting is set so that both displays are active before displaying said captured image and information different from said captured image (column 6, lines 1-13), and if said display mode setting is set so that both displays are active, then displaying said captured image on said first display and said information different from said captured image on said second display at the same time and in response to said inputted command (column 5, lines 1-10, and column 5, lines 29-39; different data is displayed on each display, and the use of the pointing device is considered to be the user inputted command).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of Anderson (US Patent # 6,538,698).

16. In regard to claim 2, note Gowda discloses the use of a camera with two displays as claimed in claim 1. Therefore, it can be seen that the Gowda device fails to have the second display simultaneously display said information and said captured image.

Anderson discloses the simultaneous display of information and the captured image (figure 3: 704, 706, and 708). Anderson discloses that the simultaneous display of information and the captured image is preferred in order to provide a convenient and efficient manner of browsing images to ease access to stored images (column 1, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Gowda device to include the use of second display simultaneously display said information and said captured image as suggested by Anderson.

17. In regard to claim 9, note Gowda discloses the use of a camera with two displays as claimed in claim 1. Therefore, it can be seen that the Gowda device fails to disclose that the information includes additional information about said captured image.

Anderson discloses the display of additional information about the captured image (figure 3: 706 and 708). Anderson teaches that the display of additional information about said captured image is preferred in order to provide a convenient and efficient manner of browsing images to ease access to stored images (column 1, lines 64-67).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the



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Gowda device to include the display of additional information about the captured image as suggested by Anderson.

18. In regard to claim 12, note Anderson discloses that the additional information includes information recorded at the time of shooting (figure 3: the time and date).

19. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333).

20. In regard to claim 3, note Gowda discloses the use of a camera with two displays as claimed in claim 1. Therefore, it can be seen that the Gowda device lacks the use of a selector for selectively turning on/off display on said first and second displays. Official notice is taken that the concepts and advantages of selective powering of separate displays is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Gowda device to include the selective powering of displays in order to conserve power by only powering the displays that are needed.

21. In regard to claim 4, note Gowda discloses that at least one of said first and second displays displays an image preceding an image to be actually shot (column 6, lines 26-36; an image can be edited between photographs, therefore, an image preceding an image to be shot is displayed).

22. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of "Digital Photography Review Kodak Pro DCS620".

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23. In regard to claim 5, note Gowda discloses the use of an image capturing apparatus as claimed in claim 1 above. Therefore, it can be seen that the Gowda fails to disclose that the information includes information about a setting in a shooting mode. "Digital Photography Review Kodak Pro DCS620" discloses the display of information that includes information about a setting in a shooting mode (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). "Digital Photography Review Kodak Pro DCS620" teaches that it is preferred to display at least one setting of a shooting mode in order to allow the photographer to instantly re-assess the image and take again if necessary. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of at least one setting of a shooting mode as suggested by "Digital Photography Review Kodak Pro DCS620".

24. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of Torres et al. (US Patent # 6,738,075).

25. In regard to claim 6, note Gowda discloses the use of an image capturing apparatus as claimed in claim 1 above. Therefore, it can be seen that the Gowda fails to disclose that the information includes information about said captured image having been subjected to image correction. Torres discloses the display of information that includes information about said captured image having been subjected to image correction (figure 12, and column 13, lines 30-39). Torres teaches that the display of information including information about said captured image having been subjected to image correction is preferred in order to allow the user to choose to keep or discard the

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changes (column 13, lines 38-39). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Gowda device to include the use of the display of image correction information as suggested by Torres.

26. In regard to claim 7, note Torres discloses that the information includes a correctable item associated with said image correction, and information about a setting of said correctable item (column 13, lines 30-39).

27. In regard to claim 8, note Gowda discloses that the controller forces said first display to turn on when performing said image correction (column 5, lines 1-10; when the image is being processed in the second display, the first is used to view the original image).

28. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of Anderson (US Patent # 6,538,698), and in further view of "Digital Photography Review Kodak Pro DCS620".

29. In regard to claim 10, note the primary reference of Gowda in view of Anderson discloses the use of a camera with two displays, with additional information being displayed, which includes information about said captured image, as claimed in claim 9. Therefore, it can be seen that the primary reference fails to disclose that the additional information includes a histogram regarding exposure of said captured image. "Digital Photography Review Kodak Pro DCS620" discloses the display of a histogram regarding exposure of the captured image (page 10: Histogram). It is notoriously well known in the art to display a histogram with the image in order to check for good exposure and a good dynamic range. Therefore, it would have been obvious to one of

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ordinary skill in the art to modify the primary device to display a histogram regarding exposure of the captured image in order to allow the user to adjust the exposure as well as to help to avoid excessive shadow and highlight clipping, and posterization.

30. In regard to claim 11, note "Digital Photography Review Kodak Pro DCS620" discloses the use of an electronic display displays a histogram (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). Therefore, it can be seen that the primary reference of Gowda in view of Anderson and "Digital Photography Review Kodak Pro DCS620" fails to discloses that said controller is adapted to control said second display so that an histogram is displayed on said second electronic display immediately after said image was shot. Official notice is taken that the concepts and advantages of a quick review mode are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of the image on said first electronic display immediately after said image was shot in order to allow the user to assess the image and take the image again if needed.

31. Claims 16-20, 22-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of "Digital Photography Review Kodak Pro DCS620".

32. In regard to claim 16, note Gowda discloses the use of an image capturing apparatus (figure 2: 100) comprising a first electronic display capable of displaying an image (figure 3: 180), a second electronic display capable of displaying an image (figure 3: 182), and at least one controller adapted to control said first and second electronic

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displays, such that, said first electronic display displays a captured image (column 5, lines 1-5, the preview unit 116 is considered to be the controller, and the display 180 displays captured images). Therefore, it can be seen that the Gowda device fails to disclose that the second electronic display displays at least one setting of a shooting mode. "Digital Photography Review Kodak Pro DCS620" discloses the use of a digital camera with an electronic display displays at least one setting of a shooting mode (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). "Digital Photography Review Kodak Pro DCS620" teaches that it is preferred to display at least one setting of a shooting mode in order to allow the photographer to instantly re-assess the image and take again if necessary. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of at least one setting of a shooting mode as suggested by "Digital Photography Review Kodak Pro DCS620".

33. In regard to claim 17, note Gowda discloses that said controller is adapted to control the first electronic display so that a live view captured image is displayed (column 5, lines 1-10, the LCD 180 serves as a viewfinder).

34. In regard to claim 18, note "Digital Photography Review Kodak Pro DCS620" discloses the second electronic display displays at least one setting of a shooting mode in effect when said image shot in recording mode was shot (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). Therefore, it can be seen that the primary reference of Gowda in view of "Digital Photography Review Kodak Pro DCS620" fails to disclose that said controller is

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adapted to control said first display so that an image shot in recording mode is displayed on said first electronic display immediately after said image was shot. Official notice is taken that the concepts and advantages of a quick review mode are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of the image on said first electronic display immediately after said image was shot in order to allow the user to assess the image and take the image again if needed.

35. In regard to claim 19, note Gowda discloses that said controller is adapted to control said first and second electronic displays, so that a recorded image is displayed on said first display (column 5, lines 1-5; images stored in the memory device can be displayed on LCD 180). And "Digital Photography Review Kodak Pro DCS620" displays the use of a display that displays at least one setting of a shooting mode in effect when said recorded image was shot (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed).

36. In regard to claim 20, note Gowda discloses the use of an image capturing apparatus (figure 2: 100) comprising a first electronic display capable of displaying an image (figure 3: 180), a second electronic display capable of displaying an image (figure 3: 182), and at least one controller adapted to control said first and second electronic displays, such that, said first electronic display displays a captured image subject to image correction (column 5, lines 1-5, the preview unit 116 is considered to be the controller, and the display 180 displays captured images), and said second electronic display displays at least one correctable item associated with said image correction and

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a corrected version of said captured image corrected according to said at least one correctable item (column 6, lines 26-32). Therefore, it can be seen that the Gowda fails to disclose the display of information about at least one correctable item. "Digital Photography Review Kodak Pro DCS620" displays information about at least one correctable item (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). "Digital Photography Review Kodak Pro DCS620" teaches that it is preferred to display information about at least one correctable item in order to allow the photographer to instantly re-assess the image and take again if necessary. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display information about at least one correctable item as suggested by "Digital Photography Review Kodak Pro DCS620".

37. In regard to claim 22, note Gowda discloses that said controller is adapted to control the first electronic display so that a live view captured image is displayed (column 5, lines 1-10, the LCD 180 serves as a viewfinder).

38. In regard to claim 23, note the primary reference of Gowda in view of "Digital Photography Review Kodak Pro DCS620" discloses an imaging apparatus as claimed in claim 20 above. Therefore, it can be seen that the primary reference of Gowda in view of "Digital Photography Review Kodak Pro DCS620" fails to disclose that said controller is adapted to control said first electronic display so that an image shot in recording mode is displayed immediately after said image was shot. Official notice is taken that the concepts and advantages of a quick review mode are notoriously well

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known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of the image on said first electronic display immediately after said image was shot in order to allow the user to assess the image and take the image again if needed.

39. In regard to claim 24, note Gowda discloses that said controller is adapted to control said first electronic display so that a recorded image is displayed on said first display (column 5, lines 1-5; images stored in the memory device can be displayed on LCD 180).

40. In regard to claim 25, note Gowda discloses the use of an image capturing apparatus (figure 2: 100) comprising a first electronic display capable of displaying an image (figure 3: 182), a second electronic display capable of displaying an image (figure 3: 180), and at least one controller adapted to control said first and second electronic displays (column 5, lines 1-5; the preview unit 116 is considered to be the controller), such that, said first electronic display displays a corrected version of a captured image (column 5, lines 1-10; the preview 2 image is considered to be the corrected image), and said second electronic display displays at least one correctable item associated with said image correction and a corrected version of said captured image corrected according to said at least one correctable item (column 6, lines 26-32). Therefore, it can be seen that the Gowda fails to disclose the display of information about at least one correctable item. "Digital Photography Review Kodak Pro DCS620" displays information about at least one correctable item (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). "Digital



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Photography Review Kodak Pro DCS620" teaches that it is preferred to display information about at least one correctable item in order to allow the photographer to instantly re-assess the image and take again if necessary. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display information about at least one correctable item as suggested by "Digital Photography Review Kodak Pro DCS620".

41. In regard to claim 27, note Gowda discloses the use of an image capturing apparatus (figure 2: 100) comprising a first electronic display capable of displaying an image (figure 3: 180), a second electronic display capable of displaying an image (figure 3: 182), and at least one controller adapted to control said first and second electronic displays, such that, said first electronic display displays a captured image (column 5, lines 1-5, the preview unit 116 is considered to be the controller, and the display 180 displays captured images). Therefore, it can be seen that the Gowda device fails to disclose that the second electronic display displays information about the captured image. "Digital Photography Review Kodak Pro DCS620" discloses the use of a digital camera with an electronic display displays information about the captured image (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed). "Digital Photography Review Kodak Pro DCS620" teaches that it is preferred to display information about the captured image in order to allow the photographer to instantly re-assess the image and take again if necessary. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device

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to include the display information about the captured image as suggested by "Digital Photography Review Kodak Pro DCS620".

42. In regard to claim 28, note "Digital Photography Review Kodak Pro DCS620" discloses that said information includes an identification of at least one correctable item associated with image correction (page 10: Histogram; several different setting such as, ISO, shutter speed, and aperture can be displayed) and a setting of said at least one correctable item in effect when said captured image was generated, said captured image having already been corrected according to said setting of said at least one correctable item (when the correctable items are set, they are in effect for the next captured image, therefore, the setting will be corrected when the image is taken, for example when the user changes the shutter speed it is set for the following image so that when that image is captured it is set according to the preset value).

43. In regard to claim 29, note "Digital Photography Review Kodak Pro DCS620" discloses that said information includes a histogram regarding exposure of said captured image (page 10: Histogram).

44. In regard to claim 30, note "Digital Photography Review Kodak Pro DCS620" discloses the histogram can be displayed in order to allow the photographer to instantly re-asses the image. Therefore it can be seen that primary reference fails to disclose that the histogram is displayed immediately after shooting. Official notice is taken that the concepts and advantages of a quick review mode are notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of the histogram immediately after

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said image was shot in order to allow the user to assess the image and take the image again if needed.

45. In regard to claim 31, note "Digital Photography Review Kodak Pro DCS620" discloses that said information includes information recorded with said captured image (page 10: Histogram; the information displayed is the information recorded with the image such as date/time, shutter speed, aperture, etc.).

46. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of "Digital Photography Review Kodak Pro DCS620", and further in view of Nishimura (US Patent # 6,778,217).

47. In regard to claim 21, note the primary reference of Gowda in view of "Digital Photography Review Kodak Pro DCS620" discloses the use of an image capturing apparatus as claimed in claim 20 above. Therefore, it can be seen that the primary device lacks the identification of said at least one correctable item and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item. Nishimura discloses the identification of said at least one correctable item (figure 7: 9; each button is a correctable item) and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item (column 3, lines 25-30). Nishimura teaches that the identification of said at least one correctable item and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item is preferred in order to

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perform the correction more interactively than conventional operation systems (column 2, lines 35-39). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the identification of said at least one correctable item and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item in order to give the user an interactive system for correction.

48. In regard to claim 26, note the primary reference of Gowda in view of "Digital Photography Review Kodak Pro DCS620" discloses the use of an image capturing apparatus as claimed in claim 25 above. Therefore, it can be seen that the primary device lacks the identification of said at least one correctable item and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item. Nishimura discloses the identification of said at least one correctable item (figure 7: 9; each button is a correctable item) and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item (column 3, lines 25-30). Nishimura teaches that the identification of said at least one correctable item and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item is preferred in order to perform the correction more interactively than conventional operation systems (column 2, lines 35-39). Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the identification of said at least one correctable

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item and a setting of said at least one correctable item and said corrected version of said captured image is corrected according to said setting of said at least one correctable item in order to give the user an interactive system for correction.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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CSY  
May 26, 2005

  
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